

SENATE JOINT RESOLUTION 464

By Yager

A RESOLUTION to direct the Tennessee Advisory Commission on Intergovernmental Relations to study the impact of mobile vendors on counties.

WHEREAS, counties have a vested interest in their economic growth and in attracting restaurants and retail stores that provide a service or product to the public; and

WHEREAS, counties benefit from the products and services provided to the public through the payment of taxes and hiring local residents, which support the counties, municipalities, and local schools; and

WHEREAS, traditional brick and mortar restaurants and retail stores suffer from the influx of mobile vendors because the vendors can forego traditional brick and mortar businesses and provide a product or service to the public in a truck, trailer, or similar vehicle-mounted unit that is mobile or capable of being moved by a licensed motor vehicle; and

WHEREAS, mobile vendors may not be subject to local regulations and do not support the counties or local government where the products and services are provided by purchasing property, paying local taxes, and hiring local residents which support the counties and local schools; and

WHEREAS, the regulation of mobile vendors is necessary for the county legislative body in order to protect the health, safety, and welfare of the public, as well as to promote the public interest by regulating the mobile vendor industry; now, therefore,

BE IT RESOLVED BY THE SENATE OF THE ONE HUNDRED NINTH GENERAL ASSEMBLY, THE HOUSE OF REPRESENTATIVES CONCURRING, that the Tennessee Advisory Commission on Intergovernmental Relations (TACIR) is directed to perform a study of the overall effects on counties when mobile vendors, who provide a product or service to the

public in a truck, trailer, or similar vehicle-mounted unit that is mobile or capable of being moved by a licensed motor vehicle to the public, enter a county without regulation from the county legislative body. TACIR shall recommend solutions that will assist such county legislative bodies in regulating mobile vendors. TACIR shall limit the study to any county having a population of not less than fifty-four thousand one hundred (54,100) nor more than fifty-four thousand two hundred (54,200), according to the 2010 federal census or any subsequent federal census. It is the legislative intent that this study be conducted from TACIR's existing resources.

BE IT FURTHER RESOLVED, that the study shall include, but not be limited to:

- (1) The economic benefits of a mobile vendor industry, specifically, whether the industry benefits or harms counties or municipalities;
- (2) Examining current tax laws and recommending possible modifications to the laws that will protect counties and municipalities when the mobile vendors provide products or services but do not receive local taxes from the vendors;
- (3) Surveying the impact of the vendors on the existing brick and mortar restaurant, retail, and service industry;
- (4) Determining the feasibility of allowing local governments to issue temporary permits to the mobile vendors to ensure compliance with local laws and regulations;
- (5) How the local government can act to ensure that the products and services are lawfully provided to the public;
- (6) The ability of the county legislative body to regulate the mobile vendor industry under the County Powers Act to allow local governments to issue permits and charge fees to the mobile vendors; and
- (7) The amount of taxes the local counties and schools do not receive because of the mobile vendors' ability to freely move from county to county.

BE IT FURTHER RESOLVED, that all appropriate state agencies and departments shall provide assistance to TACIR upon the request of its executive director. TACIR shall seek input

from representatives of the mobile vendor industry, existing brick and mortar businesses, the local government, counties, and municipalities in conducting such study.

BE IT FURTHER RESOLVED, that TACIR shall submit a report disclosing the findings of the study and recommendations, including any proposed legislation or interim reports, to the state and local government committee of the senate, the state government committee of the house of representatives, and the local government committee of the house of representatives no later than February 1, 2017.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be transmitted to the Tennessee Advisory Commission on Intergovernmental Relations.